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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

WILLIE LEE JEFFERSON,

Plaintiff,

vs.

GLEN WHORTON,

Defendant.

3:07-cv-0160-BES-RAM

**ORDER**

Plaintiff is a Nevada state prisoner, filed a civil rights complaint in the Seventh Judicial District of Nevada, in White Pine County. The action was removed to this Court.

On October 24, 2007, the Court dismissed plaintiff's complaint with leave to amend, as it failed to state a viable claim for violation of plaintiff's constitutional rights. (Docket #25). Plaintiff was granted thirty days in which to file an amended complaint. (*Id.*). Plaintiff filed a motion for reconsideration, which was denied by order filed June 9, 2008. (Docket #29). In denying the motion for reconsideration, this Court again directed plaintiff to file an amended complaint within thirty days. (*Id.*). Plaintiff failed to file an amended complaint.

Most recently, by order filed October 21, 2008, the Court granted plaintiff one final opportunity to file an amended complaint, within 30 days. (Docket #36). Plaintiff was advised that this action would be dismissed unless he complied with the Court's order. (Docket #36). The order of October 21, 2008, was apparently delivered to plaintiff; it was not returned

1 undelivered. Plaintiff has not responded to the order. More than the allotted time has elapsed  
2 and plaintiff has not complied with the Court's order. Therefore, plaintiff's action shall be  
3 dismissed with prejudice, for failure to state a claim and for failure to obey this Court's orders.

4 **IT IS THEREFORE ORDERED** that this action is **DISMISSED WITH PREJUDICE** for  
5 plaintiff's failure to state a claim and failure to obey this Court's orders. The Clerk shall  
6 **ENTER JUDGMENT** accordingly.

7 Dated this 8<sup>th</sup> day of December, 2008.

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12 UNITED STATES DISTRICT JUDGE